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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/16/2003

Kazuya Sakurai

36205

8095

116

7590

09/07/2007

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EXAMINER

OSBERG, THUY THANH

ART UNIT

PAPER NUMBER

2179

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

80

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/686,973		SAKURAI ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Thuy Osberg		2179	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 June 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This communication is responsive to amendment filed 06/19/2007 to the original application filed 10/16/2003. **This action is made Final.**
  - A. Claims 1-11 are pending in the application.
  - B. Claims 1-2 were amended.
  - C. Claims 3-11 were newly added.

#### ***Claim Objections***

2. **Claims 1-2 and 7 are objected to because of the following informalities:**

In lines 3, 6, 9, 12, 15 of claim 1 and in line 3 of claim 2, missing a comma (,) before the word “which”. The examiner assumes the comma (,) is presented before the word “which” for continuation of this examination.

In line 2 of claim 7, the word “set” should be “sets”. The examiner assumes the word “sets” is presented in line 2 of claim 7 for continuation of this examination.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

3. **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless –

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

**4. Claims 1, 3-5 and 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Foster (US RE39, 059).**

**As to independent claim 1 (currently amended),** Foster teaches an electronic device (fig. 1, label 200) comprising:

a display portion (fig. 1, label 221) which displays in a hierarchical order a plurality of menus formed in a hierarchical structure (fig. 7, label 710; col. 10, lines 24-28);

a menu-display selecting portion which selects a target\_menu (fig. 1, label 223; fig. 7, label 723; label 722, soft keys; col. 10, lines 17-19) to be displayed on said display portion (fig. 1, label 221);

an execution instructing portion which instructs to execute a target menu (fig. 11, label 1162; col. 11, 48-51) being displayed on said display portion (fig. 1, label 221);

a setting portion which sets the target menu being displayed (fig. 9, label 941; col. 10, label 59-64) on said display portion as a direct execution menu (fig. 11, label 1162; col. 11, lines 43-51; fig. 9, label 941; col. 10, label 59-64; that "dad" was created by using the add screen command at label 941);

and one or more direct-execution instructing portion which instructs the electronic device to directly execute the target menu that is set as the direct execution menu (fig. 11, label 1162; col. 11, 48-51; that "dad" in figure 11, label 1162 is direct-execution that executes a target from the menu).

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**As to dependent claim 3 (new)**, Foster further teaches an arbitrary target menu at an arbitrary hierarchical level from among the plurality of menus can be set as the direct execution menu (fig. 11, col. 11, lines 30-51).

**As to dependent claim 4 (new)**, Foster further teaches one or more of the direct execution menu (fig. 11, label 1166) can be respectively assigned to each of the one or more direct-execution instructing portion (fig. 9, label 941; col. 10, label 59-64; fig. 11, col. 11, lines 30-51).

**As to dependent claim 5 (new)**, Foster further teaches the direct-execution menu can be directly executed (fig. 11, label 1162; col. 11, 48-51).

**As to dependent claim 9 (new)**, Foster further teaches the setting portion sets the target menu (fig. 9, label 941; col. 10, label 59-64) as the direct execution menu so as to correspond to the direct-execution instructing portion (fig. 11, label 1162; col. 11, lines 43-51; fig. 9, label 941; col. 10, label 59-64, that “dad” was created by using the add screen command at label 941);

and when the direct-execution instructing portion instructs the electronic device, the target menu corresponding to the direct-execution instruction portion is executed (fig. 11, label 1162; col. 11, 48-51, that “dad” in figure 11, label 1162 is direct-execution that executes a target from the menu).

**As to dependent claim 10 (new)**, Foster further teaches the direct-execution instructing

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portion instructs the electronic device in a state that the display portion displays an initial state of the plurality of menus (fig. 11, label 1166; col. 11, lines 30-33, that “dad” is the original display).

**As to dependent claim 11 (new)**, Foster further teaches the target menu set as the direct execution menu is arranged at a position lower than highest-level menus of the plurality of menus (fig. 11, col. 11, lines 30-51).

***Claim Rejections - 35 USC § 103***

**5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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**6. Claims 2 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster in view of De Vito et al (US Patent 6,452,616), hereinafter "De Vito".**

**As to dependent claim 2 (currently amended),** Foster does not teach a setting change protecting portion which regulates a change of a setting of the direct execution menu by a password.

However, De Vito teaches a setting change protecting portion which regulates a change of a setting of the direct execution menu by a password (col. 7, lines 30-32, is the parental control password that allows or forbids the access to menu items).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Foster by a setting change protecting portion which regulates a change of a setting of the direct execution menu by a password as taught by De Vito in order to provide protection to menu items and allow only authorized users to modify the target menu items.

**As to dependent claim 7 (new):** Foster does not teach the setting portion set the password inputted by the setting change protecting portion.

However, De Vito teaches the setting portion set the password inputted by the setting change protecting portion (col. 7, lines 30-32, 52-54, is the child lock password that is set be a person with a parental control password that allows or forbids the access to menu items).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Foster by having the setting portion set the

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password inputted by the setting change protecting portion as taught by De Vito in order to provide protection to menu items and allow only authorized users to modify the target menu items or not allow access to a specify direct-execution menu.

**As to dependent claim 8 (new):** Foster does not teach the setting of the direct execution menu cannot be changed unless the password is inputted.

However, De Vito teaches the setting of the direct execution menu cannot be changed unless the password is inputted (col. 7, lines 30-32, 52-54, is the child lock password that is set be a person with a parental control password that allows or forbids the access to menu items).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Foster by having the setting of the direct execution menu cannot be changed unless the password is inputted as taught by De Vito in order to provide protection to menu items and allow only authorized users to modify the target menu items or not allow access to a specify direct-execution menu.

**7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foster in view of Creamer et al. (US Patent 6,930,709), hereinafter "Creamer".**

**As to dependent claim 6 (new),** Foster does not teach the electronic device is a closed circuit television.

However, Creamer teaches the electronic device is a closed circuit television (col. 5, lines 20-26).



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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Foster by having the electronic device is a closed circuit television as taught by De Vito in order to provide the electronic portion in a closed CCTV system to allow limited access to the electronic device by a group of users.

*It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332- 33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).*

*The Examiner notes MPEP § 2144.01, that quotes In re Preda, 401 F.2d 825,159 USPQ 342, 344 (CCPA 1968) as stating "in considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom." Further MPEP 2123, states that "a reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art, including nonpreferred embodiments. Merck & Co. v. Biocraft Laboratories, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989).*

#### ***Response to Arguments***

8. Applicant's arguments filed 06/19/2007 have been fully considered. The references have been withdrawn. Therefore, rejected to claims 1-11 is a new-ground rejection.

#### ***Conclusion***

9. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. 1.111(c) to consider these references fully when responding to this action.

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**10.** Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

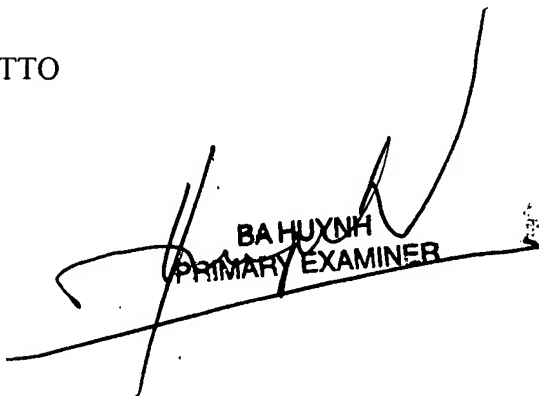
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

**11.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Osberg whose telephone number is 571-270-1258. The examiner can normally be reached on Monday-Friday (8:30AM-5:00PM). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the

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Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TTO

  
BA HUYNH  
PRIMARY EXAMINER